<div align="center">**Remarks/Arguments**</div>

A.   **Pending Claims**

Claim 801 has been amended. Claims 757, 761-763, 765, 769, 770 and 795 have been cancelled. Claims 853-860 have been added. Claims 753, 755, 756, 758, 759, 766, 767, 772-780, 782-794, 796, 799, 800, 801, and 845-860 are pending in the case.

B.   **The Claims are Not Obvious over Borghesi in view of Jernberg under 35 U.S.C. §
       103(a)**

The Examiner rejected claims 753, 755-759, 761-763, 765-767, 769, 770, 776-779, 786, 787, 794, 800, 801, 849, 850, and 852 under 35 U.S.C. 103(a) as obvious over 5,950,169 to Borghesi et al. (hereinafter "Borghesi") in view of U.S. Patent No. 6,336,096 to Borghesi (hereinafter "Jernberg"). Applicant respectfully submits that the claims are allowable for at least the following reasons.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner* et al., 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (emphasis added) *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

Independent Claim 753

The claims are generally directed to a method that includes providing claim data that includes pairs of impact points for past or theoretical accidents that are associated with a roadway configuration/accident type combination and a base liability. The method includes providing data via a graphical user interface comprising, displaying a plurality of roadway configurations for a vehicle accident, a plurality of accident types for a vehicle accident, and at least two vehicles and a plurality of impact points for the at least two vehicles selectable by a user, and receiving a selection of one or more of the roadway configurations for the real vehicle accident,

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one or more of the accident types for the real vehicle accident, and one pair of impact points for the real vehicle accident. The method also includes providing an assessment of the vehicle accident that comprises an estimate of the liability of an insured party involved in the accident, where the computer system searches a database table for a pair of impact points associated with the roadway configuration/accident type combination specified for the real vehicle accident that at least partially matches the pair of impact points specified for the real vehicle accident, and estimates, as a proportion of the total liability for the accident, the liability of an insured party involved in the accident the liability, where the computer system extracts, from a second database table, a base liability associated with at least one pair of impact points for the past or theoretical accidents associated with the roadway configuration/accident type combination specified for the real vehicle accident. The method also includes displaying a consultation report and storing claim data.

A first portion of amended claim 753 recites a combination of features including, but not limited to:

> providing claim data regarding a real vehicle accident to a computer system via a graphical user interface,

>> wherein the computer system is configured to access a memory, wherein the memory comprises sets of characteristics for past or theoretical vehicle accidents involving two or more vehicles, wherein the sets of characteristics for the past or theoretical accident comprise two or more pairs of impact points for the past or theoretical accidents, wherein, for each of at least one of the pairs for the past or theoretical accidents, one impact point of the pair is an impact point for a first vehicle in a past or theoretical vehicle accident and the other impact point of the pair is an impact point for a second vehicle in the past or theoretical vehicle accident, and wherein a determination of a right of way is associated with one or more of the sets of characteristics for the past or theoretical vehicle accidents,

>> wherein each of at least two of the two or more pairs of impact points for the past or theoretical vehicle accidents is associated with a roadway configuration/accident type combination, wherein the accident type specifies a relationship between two or more vehicles' paths on a roadway at the time of a vehicle accident,

wherein each of at least two of the pairs of impact points for the
past or theoretical accidents is associated with a base liability.

Support for the amendments to claim 753 may be found in Applicant's specification at least on page 30, line 11 to page 31, line 30; page 3, lines 15-30; page 5, lines 18-25; page 23, lines 9-11; page 78, lines 12-28; and FIGS. 8a, 8b, 49 and 50. Applicant respectfully submits that several features of the above quoted portion of amended claim 753 are not taught or suggested by the cited art. For instance, Applicant respectfully submits that the cited art fails to teach or suggest characteristics for past or theoretical accidents that comprise two or more pairs of impact points where one impact point of the pair is an impact point for a first vehicle in a past or theoretical vehicle accident and the other impact point of the pair is an impact point for a second vehicle in the past or theoretical vehicle accident, much less a determination of a right of way associated with sets of characteristics for past or theoretical accidents that include such impact points. Applicant also submits that the cited art fails to teach or suggest pairs of impact points being associated with a roadway configuration/accident type combination, wherein the accident type specifies a relationship between two or more vehicles' paths on a roadway at the time of a vehicle accident. Moreover, Applicant submits that the cited art fails to teach or suggest pairs of impact points being associated with a base liability. In any event, Applicant respectfully submits that the cited art fails to teach or suggest at least the combination of features including, "wherein, for each of at least one of the pairs for the past or theoretical accidents, one impact point of the pair is an impact point for a first vehicle in a past or theoretical vehicle accident and the other impact point of the pair is an impact point for a second vehicle in the past or theoretical vehicle accident, and wherein a determination of a right of way is associated with one or more of the sets of characteristics for the past or theoretical vehicle accidents," in combination with other features of the claim. Further, Applicant respectfully submits that the cited art fails to teach or suggest at least the combination of features including, "wherein each of at least two of the two or more pairs of impact points for the past or theoretical vehicle accidents is associated with a roadway configuration/accident type combination, wherein the accident type specifies a relationship between two or more vehicles' paths on a roadway at the time of a vehicle accident," in combination with other features of the claim. Moreover, Applicant

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respectfully submits that the cited art fails to teach or suggest at least the combination of features including, "wherein each of at least two of the pairs of impact points for the past or theoretical accidents is associated with a base liability," in combination with other features of the claim.

A second portion of amended claim 753 recites a combination of features including, but not limited to:

> providing data regarding at least one vehicle involved in the real vehicle accident to the computer system via the graphical user interface, wherein providing the data regarding at least one vehicle involved in the real vehicle accident to the computer system via the graphical user interface comprises:
>
>> displaying a plurality of roadway configurations for a vehicle accident, wherein the roadway configurations are selectable by a user;
>>
>> receiving a selection by a user of one or more of the roadway configurations for the real vehicle accident;
>>
>> displaying a plurality of accident types for a vehicle accident, wherein the accident types are selectable by a user, wherein the accident type for the vehicle accident specifies a relationship between two or more vehicles' paths on a roadway at the time of the vehicle accident;
>>
>> receiving a selection by a user of one or more of the accident types for the real vehicle accident;
>>
>> displaying a graphical representation of at least two vehicles and a plurality of impact points for the at least two vehicles, wherein the impact points are selectable by a user; and
>>
>> receiving a selection by a user of at least one pair of impact points for the real vehicle accident, wherein, for at least one of the pairs of impact points, one impact point in the pair of impact points corresponds to one vehicle in the real vehicle accident, wherein the other impact point in the pair of impact points corresponds to another vehicle in the real vehicle accident.

Applicant respectfully submits that several features of the above quoted portion of amended claim 753 are not taught or suggested by the cited art. For instance, Applicant respectfully submits that the cited art fails to teach or suggest providing data via a graphical user interface, comprising displaying a plurality of roadway configurations for a vehicle accident selectable by a user, a plurality of accident types for a vehicle accident selectable by a user, and at least two vehicles and a plurality of impact points for the at least two vehicles selectable by a user, much less receiving a selection of one or more of the roadway configurations for the real vehicle accident, one or more of the accident types for the real vehicle accident, and one pair of impact points for the real vehicle accident. In any event, Applicant respectfully submits that the cited art fails to teach or suggest at least the combination of features including, "wherein providing the data regarding at least one vehicle involved in the real vehicle accident to the computer system via the graphical user interface comprises: displaying a plurality of roadway configurations for a vehicle accident, wherein the roadway configurations are selectable by a user; receiving a selection by a user of one or more of the roadway configurations for the real vehicle accident; displaying a plurality of accident types for a vehicle accident, wherein the accident types are selectable by a user, wherein the accident type for the vehicle accident specifies a relationship between two or more vehicles' paths on a roadway at the time of the vehicle accident; receiving a selection by a user of one or more of the accident types for the real vehicle accident; displaying a graphical representation of at least two vehicles and a plurality of impact points for the at least two vehicles, wherein the impact points are selectable by a user; and receiving a selection by a user of at least one pair of impact points for the real vehicle accident, wherein, for at least one of the pairs of impact points, one impact point in the pair of impact points corresponds to one vehicle in the real vehicle accident, wherein the other impact point in the pair of impact points corresponds to another vehicle in the real vehicle accident," in combination with other features of the claim.

A third portion of amended claim 753 recites a combination of features including, but not limited to:

> providing an assessment of the vehicle accident to the computer
> system via the graphical user interface, the assessment of the vehicle

accident comprising an estimate of the liability of an insured party involved in the accident, wherein providing an assessment of the vehicle accident comprises:

the computer system searching, from within a first database table having the pairs of impact points for the past or theoretical accidents, for a pair of impact points associated with the roadway configuration/accident type combination specified for the real vehicle accident that at least partially matches the pair of impact points specified for the real vehicle accident; and

estimating, as a proportion of the total liability for the accident, the liability of an insured party involved in the accident, wherein estimating the liability comprises the computer system extracting, from a second database table, a base liability associated with at least one pair of impact points for the past or theoretical accidents associated with the roadway configuration/accident type combination specified for the real vehicle accident;

displaying a consultation report via the graphical user interface, wherein displaying a consultation report comprises displaying the assessment of the liability of the insured party; and

storing the claim data regarding the vehicle accident, the data regarding at least one vehicle involved in the vehicle accident, and the assessment of the vehicle accident in a memory associated with the computer system.

Applicant respectfully submits that several features of the above quoted portion of amended claim 753 are not taught or suggested by the cited art. For instance, Applicant respectfully submits that the cited art fails to teach or suggest providing an assessment of the vehicle accident comprising a computer system searching a first database for a pair of impact points associated with the roadway configuration/accident type combination specified for a real vehicle accident that at least partially matches a pair of impact points specified for the real vehicle accident, much less estimating the liability of an insured party involved in the accident, as a proportion of the total liability for the accident, and wherein estimating the liability comprises the computer system extracting, from a second database table, a base liability associated with a pair of impact points for the past or theoretical accidents associated with the roadway configuration/accident type combination specified for the real vehicle accident. In any

event, Applicant respectfully submits that the cited art fails to teach or suggest at least the combination of features including, "the computer system searching, from within a first database table having the pairs of impact points for the past or theoretical accidents, for a pair of impact points associated with the roadway configuration/accident type combination specified for the real vehicle accident that at least partially matches the pair of impact points specified for the real vehicle accident," in combination with other features of the claim. Moreover, Applicant respectfully submits that the cited art fails to teach or suggest at least the combination of features including, "estimating, as a proportion of the total liability for the accident, the liability of an insured party involved in the accident, wherein estimating the liability comprises the computer system extracting, from a second database table, a base liability associated with at least one pair of impact points for the past or theoretical accidents associated with the roadway configuration/accident type combination specified for the real vehicle accident," in combination with other features of the claim.

For at least these reasons, Applicant submits that claim 753 is allowable over the cited art.

Independent Claims 800 and 801

Claims 800 and 801 recite a combination of features similar to those discussed above with respect to claim 753. For at least reasons similar to those discussed above with regard to claim 753, Applicant submits that claims 800 and 801 are allowable over the cited art.

C. **The Claims are Not Obvious over Borghesi in view of Jernberg and in further view of Hall under 35 U.S.C. § 103(a)**

The Examiner rejected claims 772-775, 780, 782-785, 788-793, 795, 796, 799, 845-847, and 851 under 35 U.S.C. 103(a) as obvious over Borghesi in view of Jernberg as applied to claim 753 and further in view of U.S. Patent No. 6,223,125 to Hall (hereinafter "Hall"). Applicant respectfully submits that these claims are allowable for at least the reasons discussed above.

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D.   New Claims

New claim 853 recites a combination of features including, but not limited to: "The method of claim 753, further comprising: determining plausibility of at least one combination of accident type and roadway configuration; storing determinations of one or more implausible combinations of accident type and roadway configuration in a memory of the computer system; automatically displaying, when a user selects one of the one or more implausible combinations of accident type and roadway configuration, a report that the selected combination of accident type and roadway configuration is implausible."   Applicant submits that these features, in combination with other features of the claim, are allowable over the cited art.

New claim 854 recites a combination of features including, but not limited to: "The method of claim 853, wherein the determination of plausibility of two or more accident type/roadway configurations is made through a knowledge acquisition process."   Applicant submits that these features, in combination with other features of the claim, are allowable over the cited art.

New claim 855 recites a combination of features including, but not limited to: "The method of claim 753, further comprising: determining plausibility of at least one combination of accident type and roadway configuration; storing at least one determination of one or more implausible combinations of accident type and roadway configuration in a memory of the computer system; displaying a discords report frame, wherein the discords report frame indicates to a user that a selected combination of accident type and roadway configuration is implausible; and allowing the user, upon displaying the discords report frame, the choice of either: changing the selection of at least one of the accident type or roadway configuration, or proceeding to a manual assessment using the existing selections of accident type and roadway configuration." Applicant submits that these features, in combination with other features of the claim, are allowable over the cited art.

New claim 856 recites a combination of features including, but not limited to: "The

method of claim 753, wherein the base liability associated with at least one of the at least two of the pairs of impact points for the past or theoretical accidents comprises a lower bound of liability and an upper bound of liability." Applicant submits that these features, in combination with other features of the claims are allowable over the cited art.

New claim 857 recites a combination of features including, but not limited to: "The method of claim 753, wherein the base liability associated with at least one of the at least two of the pairs of impact points for the past or theoretical accidents is estimated by one or more expert claims adjusters through a knowledge acquisition process." Applicant submits that these features, in combination with other features of the claims are allowable over the cited art.

New claim 858 recites a combination of features including, but not limited to: "The method of claim 753, further comprising determining which of at least two vehicles in the real vehicle accident had the right of way, wherein the base liability associated with at least one of the pairs of impact points comprises at least a first value for base liability corresponding to the first vehicle having the right of way in the vehicle accident and at least a second value for base liability corresponding to the second vehicle having the right of way in the vehicle accident." Applicant submits that these features, in combination with other features of the claims are allowable over the cited art.

New claim 859 recites a combination of features including, but not limited to: "The method of claim 753, further comprising determining which of at least two vehicles in the real vehicle accident had the right of way, wherein the base liability associated with at least one of the pairs of impact points comprises a first set of values for base liability corresponding to the first vehicle having the right of way in the vehicle accident and a second set of values for base liability corresponding to the second vehicle having the right of way in the vehicle accident, wherein at least one of the sets of values comprises a base liability and upper and lower bound of liability." Applicant submits that these features, in combination with other features of the claims are allowable over the cited art.
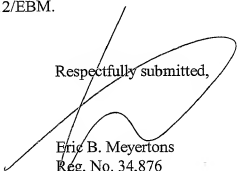
New claim 860 recites a combination of features including, but not limited to: "The method of claim 753, wherein the sets characteristics for past or theoretical accidents comprise two or more impact groups for the past or theoretical accidents, wherein at least two of the pairs of impact points are included in the impact groups, wherein each of at least two of the impact groups for the past or theoretical vehicle accidents is associated with a roadway configuration/accident type combination, wherein the accident type specifies a relationship between two or more vehicles' paths on a roadway at the time of a vehicle accident, wherein the roadway configuration/accident type combination associated with at least one of the impact groups for the past or theoretical vehicle accidents is different from the roadway configuration/accident type combination for at least one other of the impact groups for the past or theoretical vehicle accidents, wherein a first base liability is the same for all the pairs of impact points in at least one of the impact groups for the past or theoretical accidents, wherein a second base liability is the same for all the pairs of impact points in at least one of the impact groups for the past or theoretical accidents, and wherein the computer system searching for a pair of impact points associated with the roadway configuration/accident type combination specified for the real vehicle accident that at least partially matches the pair of impact points specified for the real vehicle accident comprises searching for the impact group from among the impact groups for the past or theoretical accidents that matches the pair of impact points specified in the real vehicle accident." Applicant submits that these features, in combination with other features of the claims are allowable over the cited art.

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E.   Additional Remarks

Based on the above, Applicant submits that all claims are in condition for allowance. Favorable reconsideration is respectfully requested.

If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel Deposit Account No. 50-1505/5053-46912/EBM.

Respectfully submitted,

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